

1 **FENNEMORE CRAIG, P.C.**  
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8 *Attorney for Third-Party Defendants*  
9 *Speedway Motorsports, LLC and Speedway*  
10 *Motorsports, Inc.*

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13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 ANDREA NICOLE COSTELLO, an  
16 individual;

17 Plaintiff,

18 vs.

19 GLEN WOOD COMPANY d/b/a WOOD  
20 BROTHERS RACING, a foreign  
21 corporation; DOE Individuals 1-10; DOE  
22 Employees 11-20; and ROE Corporations  
23 21-30;

24 Defendants.

25 GLEN WOOD COMPANY d/b/a WOOD  
26 BROTHERS RACING

27 Third-Party Plaintiff,

28 vs.

SPEEDWAY MOTORSPORTS, LLC, a  
foreign limited liability company;  
SPEEDWAY MOTORSPORTS, INC.,  
and FOES I through V and ZOE  
Corporations VI through X, inclusive.

Third-Party Defendants.

Case No. 2:19-cv-01752-APG-BNW

**STIPULATION AND ORDER TO**  
**EXTEND DATE BY WHICH THIRD-**  
**PARTY DEFENDANTS SPEEDWAY**  
**MOTORSPORTS, LLC AND**  
**SPEEDWAY MOTORSPORTS, INC.**  
**SHALL HAVE TO RESPOND OR**  
**OTHERWISE ANSWER THE THIRD-**  
**PARTY COMPLAINT (FIRST**  
**REQUEST)**

Plaintiff ANDREA NICOLE COSTELLO, Defendant/Third-Party Plaintiff GLEN  
WOOD COMPANY d/b/a WOOD BROTHERS RACING ("Glen Wood"), and Third-  
Party Defendants SPEEDWAY MOTORSPORTS, LLC ("SML") and SPEEDWAY  
MOTORSPORTS, INC. ("SMI," together with SMI, "Speedway Defendants"), by and

1 through their respective undersigned counsel, respectfully submit this STIPULATION  
2 AND ORDER TO EXTEND DATE BY WHICH THIRD-PARTY DEFENDANTS  
3 SPEEDWAY MOTORSPORTS, LLC AND SPEEDWAY MOTORSPORTS, INC.  
4 SHALL HAVE TO RESPOND OR OTHERWISE ANSWER THE THIRD-PARTY  
5 COMPLAINT (FIRST REQUEST) pursuant to Rules 6(b) of the Federal Rules of Civil  
6 Procedure and Local Rules IA 6-1 and 7-1 for the Court's consideration. The parties  
7 hereby stipulate that the time for the Speedway Defendants to respond or otherwise answer  
8 Glen Wood's Third-Party Complaint may be extended to Monday, March 23, 2020, and the  
9 stipulating parties request that the Court approve the requested extension of time.

10 This is the first extension of time requested by the Speedway Defendants in this  
11 matter. The extension will allow the Speedway Defendants to further investigate the  
12 matter and respond appropriately. This request is made in good faith with no intent to  
13 cause delay or prejudice to any party. The Speedway Defendants do not wave and hereby  
14 reserve all available defenses, including all defenses under Rule 12(b) of the Federal Rules  
15 of Civil Procedure.

16 Dated this 19th day of February 2020.

Dated this 19th day of February 2020.

17 **COGBURN LAW**

**TYSON & MENDES LLP**

18 /s/ Joseph J. Troiano, Esq.  
19 Jamie S. Cogburn, Esq.  
20 Nevada Bar No. 8409  
Joseph J. Troiano, Esq.  
21 Nevada Bar No. 12505  
2580 St. Rose Parkway, Suite 330  
22 Henderson, Nevada 89074  
23 Attorneys for Plaintiff

/s/ Thomas E. McGrath, Esq.  
Thomas E. McGrath, Esq.  
Nevada Bar No. 7086  
Rachel J. Holzer, Esq.  
Nevada Bar No. 11604  
3960 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169  
Attorneys for Defendant

24 **IT IS SO ORDERED**

25 **DATED: February 20, 2020**

26 ///

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**BRENDA WEKSLER** -2-

**UNITED STATES MAGISTRATE JUDGE**

1 Dated this 19th day of February 2020.

2 **FENNEMORE CRAIG, P.C.**

3 /s/ Patrick J. Sheehan, Esq.  
4 Patrick J. Sheehan, Esq.  
5 Nevada Bar No. 3812  
6 300 S. Fourth Street, Suite 1400  
7 Las Vegas, NV 89101  
8 *Attorney for Speedway Motorsports, LLC*  
9 *and Speedway Motorsports, Inc.*  
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15 Respectfully Submitted by:

16 **FENNEMORE CRAIG, P.C.**

17 /s/ Patrick J. Sheehan, Esq.  
18 Patrick J. Sheehan, Esq.  
19 Nevada Bar No. 3812  
20 300 S. Fourth Street, Suite 1400  
21 Las Vegas, NV 89101  
22 *Attorney for Speedway Motorsports, LLC*  
23 *and Speedway Motorsports, Inc.*  
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1 **CERTIFICATE OF SERVICE**

2 1. On February 19, 2020, I served the following document(s):

3 **STIPULATION AND ORDER TO EXTEND DATE BY WHICH**  
4 **THIRD-PARTY DEFENDANTS SPEEDWAY MOTORSPORTS, LLC**  
5 **AND SPEEDWAY MOTORSPORTS, INC. SHALL HAVE TO**  
6 **RESPOND OR OTHERWISE ANSWER THE THIRD-PARTY**  
7 **COMPLAINT (FIRST REQUEST)**

8 2. I served the above-named document(s) by the following means to the persons  
9 as listed below:

10 ☒ a. ECF System (attach the "Notice of Electronic Filing" or list all  
11 persons and address):

12 [tmcgrath@tysonmendes.com](mailto:tmcgrath@tysonmendes.com)

13 [rholzer@tysonmendes.com](mailto:rholzer@tysonmendes.com)

14 [jsc@cogburncares.com](mailto:jsc@cogburncares.com)

15 [jjt@cogburncares.com](mailto:jjt@cogburncares.com)

16 ☐ b. United States mail, postage fully prepared (list persons and addresses):

17 ☐ c. Personal Service (List persons and addresses):

18 ☐ For a party represented by an attorney, delivery was made by  
19 handling the document(s) to the attorney or by leaving the document(s) at the  
20 attorney's office with a clerk or other person in charge, or if no one is in charge by  
21 leaving the document(s) in a conspicuous place in the office.

22 ☐ For a party, deliver was made by handing the document(s) to the  
23 party or by leaving the document(s) at the person's dwelling house or usual place of  
24 abode with someone of suitable age and discretion residing there.

25 ☒ d. By direct email (as opposed to through the ECF system (list persons  
26 and email addresses):

27 [psheehan@fclaw.com](mailto:psheehan@fclaw.com)

28 [tday@fclaw.com](mailto:tday@fclaw.com)

[nicholaslee@parkerpoe.com](mailto:nicholaslee@parkerpoe.com)

[mikeadams@parkerpoe.com](mailto:mikeadams@parkerpoe.com)

Based upon the written agreement of the parties to accept service by  
email or a court order, I caused the document(s) to be sent to the persons at the  
email addresses listed below. I did not receive, within a reasonable time after the  
transmission, any electronic message or other indication that the transmission was  
unsuccessful.

☐ e. By fax transmission (list persons and fax numbers):

Based upon the written agreement of the parties to accept service by  
fax transmission or a court order, I faxed the document(s) to the persons at the fax

1 numbers listed below. No error was reported by the fax machine that I used. A  
2 copy of the record of the fax transmission is attached.

3 ☐ f. By messenger:

4 I served the document(s) by placing them in an envelope or package  
5 addressed to the persons at the addresses listed below and providing them to a  
6 messenger service. (A declaration by the messenger must be attached to this  
7 Certificate of Service).

8 I declare under penalty of perjury that the foregoing is true and correct.

9 */s/Trista Day*

10 An Employee of Fennemore Craig, P.C.